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Attorneys for Plaintiff,
LANCE MICHAEL MACDONALD

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

LANCE MICHAEL MACDONALD,) **Case No.:**
Plaintiffs,)
v.) **PLAINTIFF'S COMPLAINT FOR**
GC SERVICES, LP,) **DAMAGES**
Defendant.) **(Unlawful Debt Collection Practices)**

COMPLAINT

NOW COMES Plaintiff, LANCE MICHAEL MACDONALD ("Plaintiff"),
by and through his attorneys, submits this Verified Complaint against Defendant,
GC SERVICES, LP ("Defendant"), alleges as follows:

Nature of the Action

1. This action is brought by Plaintiff pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (“FDCPA”).
2. This action is brought by Plaintiff pursuant to the Rosenthal Fair Debt Collection Practices Act, *Cal. Civ. Code §1788 et seq.* (RFDCPA).

Parties

3. Plaintiff is a natural person residing at 1040 Glasgow Place, in the city of Danville, county of Contra Costa, California and is otherwise *sui juris*.
4. Plaintiff is allegedly obligated to pay a debt and is a consumer as defined by 15 U.S.C. § 1692a(3).
5. Defendant is a debt collector conducting business in the state of California, and has an office in Irwindale, CA.
6. Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.
7. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers.

Jurisdiction and Venue

8. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
9. Because Defendant conducts business in California, personal jurisdiction is established
10. Venue is proper in the United States District Court Northern District of California pursuant to 28 U.S.C § 1391(b) because Plaintiff resides within this District and a substantial part of the events or omissions giving rise to the herein claims occurred, or a substantial part of property that is the

subject of the action is situated within this District.

Factual Allegations

11. On or around February 24, 2017, Defendant placed a collection call to Plaintiff seeking and demanding payment for an alleged consumer debt.
12. Plaintiff's alleged debt arises from transactions for personal, family, and household purposes.
13. Defendant called Plaintiff's telephone number at (925) 334-11XX.
14. On or around February 24, 2017, Defendant called Plaintiff and left a voicemail message on Plaintiff's answering machine.
15. In the voicemail message, Defendant failed to meaningfully disclose the company's name or the nature of the call or state that the call was from a debt collector.
16. In the voicemail message, Defendant directed Plaintiff to call back telephone number (800) 926-3136, which is a number that belongs to Defendant.
17. In the voicemail message, Defendant failed to disclose the purpose of her call was to collect a debt allegedly owed by Plaintiff.
18. Defendant is using false, deceptive and misleading means in connection with attempting to collect a debt by not identifying the purpose of its phone calls or that they are an attempt to collect a debt.

FIRST CAUSE OF ACTION

DEFENDANT VIOLATED THE FDCPA 15 U.S.C. § 1692 et seq.

19. Plaintiff repeats and incorporates by reference into this cause of action the allegations set forth above at Paragraphs 1-18.
20. Defendant's violations of the FDCPA include, but are not limited to, the following:

- a. Defendant violated §1692(d) of the FDCPA by engaging in conduct of which the natural result is the abuse and harassment of the Plaintiff;
- b. Defendant violated §1692(e) of the FDCPA by any other false, deceptive, or misleading representation or means in connection with the debt collection; and
- c. Defendant violated §1692(e)(11) of the FDCPA by failing to contain the warning: This is an attempt to collect a debt... communication is from a debt collector.

SECOND CAUSE OF ACTION

DEFENDANT VIOLATED THE ROSENTHAL FAIR DEBT

COLLECTION PRACTICES ACT

CA CIV CODE § 1788.17

21. Plaintiff repeats and incorporates by reference into this cause of action the allegations set forth above at Paragraphs 1-20.
22. Defendant violated the RFDCPA based on the following:
 - a. Defendant violated the §1788.17 of the RFDCPA by continuously failing to comply with the statutory regulations contained within the FDCPA, *15 U.S.C. § 1692 et seq.*

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for the following:

FIRST CAUSE OF ACTION

23. Statutory damages of \$1000.00 pursuant to 15 U.S.C. § 1692k;
24. Reasonable attorneys' fees, costs pursuant to 15 U.S.C. § 1692k; and
25. Awarding such other and further relief as may be just, proper and equitable.

SECOND CAUSE OF ACTION

26. Declaratory judgment that Defendant's conduct violated the Rosenthal Fair Debt Collection Practices Act;

27. Statutory damages of \$1000.00 pursuant to the Rosenthal Fair Debt Collection Practices Act, *Cal. Civ. Code §1788.30(b)*;

28. Costs and reasonable attorneys' fees;

29. Actual damages and compensatory damages according to proof at time of trial;

ON ALL CAUSES OF ACTION

30. Actual damages and compensatory damages according to proof at time of trial;

31. Costs and reasonable attorneys' fees;

32. Any other relief that this Honorable Court deems appropriate.

JURY TRIAL DEMAND

33. Plaintiff demands a jury trial on all issues so triable.

RESPECTFULLY SUBMITTED,

DATED: April 14, 2017

The Law Offices of Jeffrey Lohman, P.C.

By: /s/
Ibrahim Muhtaseb
Attorney for Plaintiff